

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

To: Honorable William Caldwell
United States District Judge
Middle District of Pennsylvania

Fr: Jeffrey Holland
Criminal No: 1:Cr-01-195-02

Dear Honorable William Caldwell,

Please accept this letter in lieu of a more formal submission in support of defendant's petition.

A. Defendant's Eligibility For Sentence Reduction [18 U.S.C. § 3582(c)(2)]

On or about June 6, 2002, following a jury trial this defendant was convicted on three counts of a five count indictment [Footnote-1] Count One charged violation(s) of 21 U.S.C. § 841(a); Count Three charge violation(s) of 18 U.S.C. § 924(c) and Count Five charge violation of 21 U.S.C. 846 (a).

On or about October 10, 2002., this honorable court sentenced this defendant to a prison term of Life imprisonment on count one and Five years on count Three and Life on count Five. (All of which ran currently and five years consecutive.)

Defendant brings to this honorable court's attention several Amendment(s) to the United States Sentencing Guidelines which warrant a reduction in this defendant's term of imprisonment as discuss below:

Defendant contends that Sentencing Commission has come to grips that the Drug Table (Section 2D1.1) is simply to much time. Therefore, On November 1. 2007, that section has been reduced by two levels which would warrant a reduction in this defendant's base offense level. Therefore, Defendant moves this honorable court seeking the application of such an reduction to his Base Offense Level;

Second: Defendant contends that the Sentencing Commission has also amended Guideline section 4A1.2(c) which warrants a reduction in section 4A1.2(c) as defendant's

[Footnote -1] Defendant was only charged in four counts and acquitted on one count.

prior offense(s) were to be consider as related. (See Exhibit- A) which will be further explored in defendant's argument in support of this motion seeking a reduction of sentence.

Third: Defendant's contends that Guideline Amendment #591 would warrant a reduction in this defendant's sentence where such an Amendment would seperate the charge offense with the actual offense as will be explored in this defendant's argument in support of this motion seeking reduction in his sentence.

A. Applicability of Amendment [Section 2D1.1] two point Reduction

Defendant contends that he was sentenced in accordance with the United States sentencing guideline section 2D1.1 of the 2001 version of the guidelines.

The Presentence Report at paragraph- 112 begin with a base offense level of 43 [Although defendant's sentence was erroneous based upon uncharged amounts of crack cocaine] However, that not being the issue here. The defendant simply contends that he is entitled to the two point reduction mandated by the most recent guideline amendment . (See Argument # 1)

B. Applicability of Amendment 591 warrants a reduction in sentence.

Defendant contends that the amendment 591 deals with the differences between the actual charging terms vs. the factual charging terms.

Defendant moves for reduction of sentence, claiming that Amendment 591, effective November 1, 2000, requires that he be sentence to 151 - 188 months imprisonment under a base offense level of 32 as provided by U.S.S.G. Section 2D1.1, rather than life imprisonment. (See argument # 3)

C. Applicability of Amendment to Section 4Al.2 (c)

Defendant contends that the recent amendment(s) to section 4Al.2 (c) is a clarifying amendment which if correctly read would warrant a reduction in this defendant's guideline sentence. Despite, the facts that this defendant erroneously received a statutory sentence based upon a misinterpretation of Section 4Al.2 (c). (See argument # 2)

D. Presence of the Defendant

Although the statute which permits the Court to modify the defendant's sentence is silent on the question of whether the defendant is entitled to be present for his sentence reduction., Rule 43(b)(4) explicitly states that a defendant need not be present at a proceeding which involves a sentence reduction under 18 U.S.C. § 3582(c) 2. The usual requirement, of course, is that the defendant must be present at this sentencing hearing. Fed. R. Crim. Proc. 32(i)(4).

E. Other Issue(s)

This sentencing modification request arises at the time of great uncertainty about the constitutionality of the Sentencing Guidelines. The decision in Blakely v. WASHINGTON, 124 S. Ct 2531 (2004) and the applicable decision in United States v. Booker, (argued October 24, 2004) have cast serious doubt about the viability of guidelines in general and about the specific facts that must be pled in the indictment and found by a jury there are several enhancements which amendments are applicable to the present case. [Amendment # 591, Amendment to section 4Al.2 and the additional 2 point base offense level.

ARGUMENT # 1**[2 Point Reduction]**

Defendant states that on or about 10/10/02, he was sentenced to a base offense level of 38., As the result of having been convicted upon a indictment charging 50 grams of crack cocaine or more.

Subsequently, on or about November 1, 2007., The Sentencing Commission amended guideline section 2D1.1 by lowing the drug table for crack cocaine cases by two (2) points which would reduce this defendant's base offense level to an base offense level of 36. Although defendant was only charged in the indictment with 50 grams or more of crack cocaine, which would yield an base offense level of 32 with guideline range of 151 to 188 months.

This defendant seeks the application of this amendment to the sentencing guideline by this honorable court.

Defendant brings to this honorable court's attention the crack amendment which warrants the 2 point reduction from his base offense level. The most significate aspects of this amendment is that the Sentencing Commission has come to the conclusion that the current guidelines are too high. Therefore, this defendant request that this honorable court follow the improvement in the interest of justice.

WHEREFORE, Mr. Holland, prays that this honorable court grant the requested relief being sought in this argument.

ARGUMENT # 2**[RELATED CASES 4A1.2(a)(2)]**

Defendant contends that the Sentencing Commission has made a clarifying Amendment

to section 4A1.2(a)(2) which stated in relevant part for purpose of counting prior sentences (worth three points each in the criminal history score) separately or single sentence :

" Still count separately in intervening arrest. But, if not, count as a single sentence if (1) contained in the same charging instrument, or (2) sentence on the same day.

In the instant case, Mr. Holland, bases his argument on the (erroneously applied) one prior conviction., which the government mistakenly applied sec. 4A1.2(a) (2) to the one case referred thereto in (State Case) 3767-08-89: 312-01-89 and 1583-04-90. (See exhibit A-1) where the defendant was sentenced on the same day for the one prior conviction.

Mr. Holland, contends that the above prior conviction clearly falls within the wide range of Guideline Amendment to section 4A1.2 for the purpose of being considered as related which warrants only three (3) criminal history point(s) and takes this defendant out of the career offender offense base level and subsequently reveals that the 851 which based upon this one prior conviction would now be considered as invalid as the result of the Guideline Amendment to Section 4A1.2(a)-(c) of the United States Sentencing Guidelines.

In conclusion, Mr. Holland prays that this honorable court take into consideration the Amendment's to the United States Sentencing Guidelines and consider the modification of this defendant's sentence.

ARGUMENT # 3

[Applicability of Amendment # 591]

Mr. Holland (Defendant) states that according to the United States Sentencing Guideline Amendment # 591 which was amended by striking subsection (a) and inserting;

"(a) Determine, pursuant to §1B1.2 (Applicable Guideline), the offense guideline section from Chapter Two (Offense Conduct) applicable to the offense of conviction. See § 1B1.2.".

This amendment deals with the improper consideration of U.S.S.G. § 2D1.1 (b)(1), U.S.S.G. §3B1.1(a) and U.S.S.G. 3C1.1 triggers Amendment 591 applicable application. The Court's improper use of " Actual " as opposed to what this defendant was charged with in the indictment is now impermissible, this conduct was uncharged. This defendant cannot be held accountable and warrants the consideration of a sentence modification pursuant to United States Sentencing Guidelines.

The Commentary to 1B1.2 caption " Application Notes" is amended by striking the first paragraph of note 1 and inserting the following :

" This section provides the basic rules for determining the guidelines applicable to the offense conduct under Chapter Two (Offense Conduct). The Court is to use the Chapter Two Guideline Section reference in the Statutory Index (Appendix A) for the offense of conviction. However, (A) in the case of a plea agreement containing a stipulation that specifically establishes a more serious offense than that of conviction, The Chapter Two offense guideline section applicable to the stipulated offense is to be used; and (B) for statutory provisions not listed in the Statutory Index, the most analogous guideline, determined pursuant to §2X5.1 (Other Offense), is to be used.

In the instant case defendant asserts that this application of the Real Offense vs. Charge Offense Sentencing is clear by the Commentary to 1B1.2 caption " Application Note " and makes a clarifying amendment to the United States Sentencing Guidelines.

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In closing, Mr. Holland seeks the application of amendment #591 and request that this Honoraboe Court modify this defendant's sentence of life to an guideline sentence with a base offense level of 32 with a guideline range of 151 to 188 months.

ARGUMENT # 4

[Application of Amendment # 548]

Mr. Holland (Defendant hereafter) contends that Guideline Amendment # 548 stated that section 1B1.10 is amended in the title by deleting " Retroactivity " and inserting, " Reduction in Term of Imprisonment as a Result "

Therefore, Mr. Holland (defendant) contends that there is no need to access the applicability of the amendment(s) being applied to the instant case. (See, Amendment # 548. and section 1B1.10 (c) of the United States Sentencing Guidelines.

WHEREFORE, this defendant seeks to have this honorable court take judicial notice of the adjudictaed facts and all of the applicable guideline(s) amendments.

Wherefore, Defendant prays that this honorable court modify this defendant's sentence to a prison term of 151 to 188 months.

Dated: 12-7-07

Signed: Jeffrey Holland

CERTIFICATE OF SERVICES

It is on this 7th day of December, 2007., that I, Jeffrey Holland (Defendant) has placed in the U.S. Mail Box one original and two copies of this motion address to the attention of the clerk of this court, and has also forwarded one copy to the attention of the Office of the U.S . Attorney, P.O. Box 11745, Room 217, Federal building, Harrisburg, PA, 17108. [Postage pre paid - First Class]

December 7th, 2007

Signed: Jeffrey Holland

Exhibit A-1

United States District Court for the Middle District of Pennsylvania
United States of America v. Jeffrey Holland
Criminal No: 1:CR-01-195-02

Case No# <u>3767-08-89</u>	State of New Jersey: Sentencing Date : <u>3/7/91</u>
Case No# <u>312-01-89</u>	State of New Jersey: Sentencing Date: <u>3/7/91</u>
Case No# <u>1583-04-90</u>	State of New Jersey: Sentencing Date : <u>3/7/91</u>

THE ABOVE MENTIONED PRIOR CONVICTION(S) FALL UNDER THE AMENDED SECTION OF
4A1.2 () FOR THE PURPOSE OF BEING CONSIDERED AS RELATED WHICH WARRANTS ONLY
3 CRIMINAL HISTORY POINT(S).

[See Amendment # (not yet listed)](of the United States Sentencing
Guidelines)

*** References are made to the above mentioned prior conviction in the Pre-
sentence report as paragraph(s) 60, 61, and 62 ***

DEFENDANT'S EXHIBIT(S) IN SUPPORT OF HIS MOTION SEEKING MODIFICATION OF SENTENCE

TRUE COPY

State of New Jersey

New Jersey Superior Court

ESSEX

County

Law Division - Criminal

JEFFREY HOLLAND

Defendant (Specify Complete Name)

1/12/68

DATE OF BIRTH

356545

S.B.I. #

2/9/88

DATE OF ARREST

8/30/89

DATE IND / ACC FILED

10/16/89

DATE OF ORIGINAL PLEA

 NOT GUILTY GUILTY

ORIGINAL PLEA

Judgment of Conviction
 Change of Judgment
 Order for Commitment
 Indictment/Accusation Dismissed
 Judgment of Acquittal

ADJUDICATION BY:

 GUILTY PLEA

DATE

4/27/90 JURY TRIAL NON-JURY TRIAL Dismissal/Acquittal**ORIGINAL CHARGES**

<u>IND / ACC No</u>	<u>Count</u>	<u>Description</u>	<u>Degree</u>	<u>Statute</u>
3767-08-89	1	Conspiracy	3	NJS 2C:5-2
	2	Possession CDS (Cocaine)	3	NJS 2C:35-10a(1)
	3	Poss w/int to Dist CDS (Cocaine)	3	NJS 2C:35-5b(3)

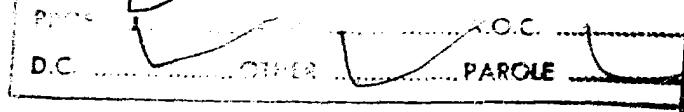
FINAL CHARGES

<u>Count</u>	<u>Description</u>	<u>Degree</u>	<u>Statute</u>
3	Poss w/int to Dist CDS (Cocaine)	3	NJS 2C:35-5b(3)

It is, therefore, on March 7, 1991 ORDERED and ADJUDGED that the defendant is sentenced as follows:

COUNT #3

COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS FOR THE TERM OF THREE (3) YEARS AND UNTIL RELEASED IN ACCORDANCE WITH LAW. SENTENCE IS CONCURRENT TO SENTENCE IMPOSED ON INDICTMENT NO. 01583-04-90. DRIVERS LICENSE SUSPENDED FOR TWELVE (12) MONTHS. D.E.O.R. \$1,000.00. LAB. FEE \$50.00.
 V.C.C.B. -\$30.00 P.D.

DISMISSED ON MOTION OF THE PROSECUTOR PURSUANT TO PLEA AGREEMENT OF 4/27/90
 INDICTMENT NO. 3767-08-89 - COUNTS #1 & #2 It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Defendant is to receive credit for time spent in custody. 43 TOTAL NO. DAYS 2/9/88 to 2/10/88
 DATES (From - To)
4/18/90 to 6/7/90
 DATES (From - To)

Total Custodial Term _____ Institution _____ Total Probation Term _____

State of New Jersey v. <u>JEFFREY HOLLAND</u>		SBI # <u>346545B</u>	IND xxxx # <u>3767-8-89</u>
Total FINE \$ _____		If any of the offenses occurred on or after July 9, 1987, and is for a violation of Chapter 35 or 36 of Title 2C.	
Total RESTITUTION \$ _____		1) A mandatory Drug Enforcement and Demand Reduction (D E D R) penalty is imposed for each count. (Write in # times for each.)	
		1st Degree @ \$3000	4th Degree @ \$750
		2nd Degree @ \$2000	Disorderly Persons or Petty
		3rd Degree @ \$1000	Disorderly Persons @ \$500
		Total D.E.D.R. Penalty \$ <u>1,000.00</u>	
		<input type="checkbox"/> Court further ORDERS that collection of the D E D R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.	
		2) A mandatory driver's license suspension of <u>12</u> months is ORDERED	
		The suspension shall begin today, _____ and end _____	
		Driver's License Number _____ (IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)	
		Defendant's Address <u>27 No. 18th St., East Orange</u>	
Total VCCB Penalty \$ <u>30.00</u>		Eye Color <u>brown</u> Sex <u>male</u> Date of Birth <u>1/12/68</u>	
<input type="checkbox"/> Installment payments are due at the rate of \$ _____ per _____ beginning _____ (DATE)		<input type="checkbox"/> The defendant is the holder of an out-of-state driver's license from the following jurisdiction _____ Driver's license # _____	
		<input type="checkbox"/> Your non-resident driving privileges are hereby revoked for _____ Months	
		3) A forensic laboratory fee of \$50 per offense is ORDERED. 1 Offenses @ \$50.	
		4) Name of Drugs Involved <u>Cocaine</u> Total LAB FEE \$ <u>50.00</u>	
NAME (Court Clerk or Person who prepares this form) <u>JUDITH PORCELLO</u>		TELEPHONE NUMBER <u>(201) 621-4811/12</u>	NAME (Attorney for Defendant at Sentencing) <u>ROBERT MISEO</u>

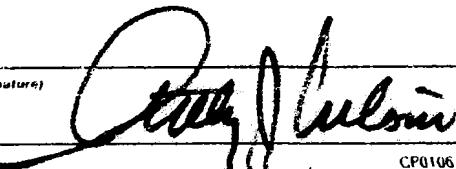
STATEMENT OF REASONS**AGGRAVATING FACTORS**

The need for deterring the defendant and others from violating the law.

The extent of the defendant's prior criminal history.

MITIGATING FACTORS

None

JUDGE (Name) <u>ANTHONY J. IULIANI, J.S.C.</u>	JUDGE (Signature) 	DATE <u>3/7/91</u>
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Administrative Office of the Courts
State Bureau of Identification

CP0106 (Rev. 11/89) Replaces LR-84 & LR-35
CDR 4 (Rev. 11/89)

COPIES TO: CHIEF PROBATION OFFICER, STATE POLICE, AOC CRIMINAL PRACTICE DIVISION, DEPT OF CORRECTIONS OR COUNTY PENAL INSTITUTION

State of New Jersey

TRUE COPY

v.

New Jersey Superior Court
ESSEX County
Law Division - Criminal

JEFFREY HOLLAND

Defendant (Specify Complete Name)

1/12/68

DATE OF BIRTH

346545B

S.B.I. #

10/19/88

DATE OF ARREST

4/5/90

DATE IND / ~~XX~~ FILED NOT GUILTY GUILTY

DATE OF ORIGINAL PLEA

ORIGINAL PLEA

Judgment of Conviction
 Change of Judgment
 Order for Commitment
 Indictment/Accusation Dismissed
 Judgment of Acquittal

ADJUDICATION BY: DATE
 GUILTY PLEA 4/27/90
 JURY TRIAL _____
 NON-JURY TRIAL _____
 Dismissed/Acquitted _____

ORIGINAL CHARGES

IND / XX No.	Count	Description	Degree	Statute
01583-04-90	1	Conspiracy	2	NJS 2C:5-2
	2	Possession CDS (Cocaine)	3	NJS 2C:35-10a(1)
	3	Poss w/int to Dist CDS (Cocaine)	3	NJS 2C:35-5b(3)
	4	Poss w/in to Dist w/in 1000' school	3	NJS 2C:35-7
	5	Employ Juvenile in Drug Dist	2	NJS 2C:35-6
	6	Hinder/det Apprehension	3	NJS 2C:29-3

FINAL CHARGES

Count	Description	Degree	Statute
3	POSS W/INT TO CO DIST CDS (Cocaine)	3	NJS 2C:5b(3)
4	POSS W/INT TO DIST CDS W/IN 1000' SCHOOL P.D.	3	NJS 2C:35-7

It is, therefore, on March 7, 1991 ORDERED and ADJUDGED that the defendant is sentenced as follows:

COUNT #4 COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS FOR THE TERM OF FOUR (4) YEARS AND UNTIL RELEASED IN ACCORDANCE WITH LAW. SENTENCE IS CONCURRENT TO SENTENCE IMPOSED IN BERGEN COUNTY. D.E.D.R. \$1,000.00. LAB FEE \$50.00. V.C.C.B. \$30.00. DRIVERS LICENSE SUSPENDED FOR TWELVE (12) MONTHS.

COUNT #3 COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS FOR THE TERM OF FOUR (4) YEARS AND UNTIL RELEASED IN ACCORDANCE WITH LAW. SENTENCE IS CONCURRENT TO SENTENCE IMPOSED ON COUNT #4 OF THIS INDICTMENT AND BERGEN COUNTY. DRIVERS LICENSE SUSPENDED FOR TWELVE (12) MONTHS. D.E.D.R. \$1,000.00. LAB FEE \$50.00. V.C.C.B. \$30.00

DISMISSED ON MOTION OF THE PROSECUTOR PURSUANT TO PLEA AGREEMENT OF 4/27/90
 INDICTMENT NO. 01583-04-90 -- COUNTS #1, #2, #5 & #6

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Defendant is to receive credit for time spent in custody. 45 12/16/88 to 12/19/88

TOTAL NO. DAYS

DATES (From / To)

4/18/90 to 6/7/90

DATES (From / To)

Total Custodial Term

Institution

Total Probation Term

State of New Jersey v. JEFFREY HOLLANDS.B.I. # 356545BIND / AOC # 01583-04-90

Total FINE \$ _____	If any of the offenses occurred <u>on or after</u> July 9, 1987, and is for a violation of Chapter 35 or 36 of Title 2C,								
Total RESTITUTION \$ _____	1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for <u>each</u> count. (Write in # times for each.)								
<table border="0"> <tr> <td>1st Degree @ \$3000</td> <td>4th Degree @ \$750</td> </tr> <tr> <td>2nd Degree @ \$2000</td> <td>Disorderly Persons or Petty</td> </tr> <tr> <td><u>2</u> 3rd Degree @ \$1000</td> <td>Disorderly Persons @ \$500</td> </tr> </table>				1st Degree @ \$3000	4th Degree @ \$750	2nd Degree @ \$2000	Disorderly Persons or Petty	<u>2</u> 3rd Degree @ \$1000	Disorderly Persons @ \$500
1st Degree @ \$3000	4th Degree @ \$750								
2nd Degree @ \$2000	Disorderly Persons or Petty								
<u>2</u> 3rd Degree @ \$1000	Disorderly Persons @ \$500								
Total D.E.D.R. Penalty \$ 2,000.00									
<input type="checkbox"/> Court further ORDERS that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.									
2) A mandatory driver's license suspension of <u>24</u> months is ORDERED. The suspension shall begin today, _____ and end _____.									
Driver's License Number _____ (IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)									
Defendant's Address <u>27 No. 18th Street, East Orange</u>									
Eye Color <u>brown</u> Sex <u>male</u> Date of Birth <u>1/12/68</u>									
<input type="checkbox"/> The defendant is the holder of an out-of-state driver's license from the following jurisdiction _____ Driver's license # _____									
<input type="checkbox"/> Your non-resident driving privileges are hereby revoked for _____ Months.									
3) A forensic laboratory fee of \$50 per offense is ORDERED. <u>2</u> Offenses @ \$50.									
Total LAB FEE \$ 100.00									
4) Name of Drugs Involved <u>COCAINE</u>									
NAME (Court Clerk or Person who prepares this form)		TELEPHONE NUMBER							
<u>JUDITH PORCELLO</u>		<u>(201) 621-4811/12</u>							
STATEMENT OF REASONS									

AGGRAVATING FACTORS

The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

The defendant has no history of prior delinquency or criminal activity.

Sentence pursuant to NJSA 2C:35-12

JUDGE (Name)

ANTHONY J. IULIANI, J.S.C.

JUDGE (Signature)

DATE

3/7/91

TRUE COPY

*State of New Jersey

New Jersey Superior Court
ESSEX County

Law Division - Criminal

JEFFREY HOLLAND

Defendant (Specify Complete Name)

1/12/68

DATE OF BIRTH

356545B

S.B.I. #

10/19/88

DATE OF ARREST

1/26/89

DATE IND / ACC FILED

4/21/89

DATE OF ORIGINAL PLEA

 NOT GUILTY GUILTY

ORIGINAL PLEA

Judgment of Conviction
 Change of Judgment
 Order for Commitment
 Indictment/Accusation Dismissed
 Judgment of Acquittal

ADJUDICATION BY:

 GUILTY PLEA

DATE

4/27/90

 JURY TRIAL NON-JURY TRIAL Dismissed/Acquitted

ORIGINAL CHARGES

IND / XXXX No.	Count	Description	Degree	Statute
00312-01-89	1	Conspiracy	2	NJS 2C:5-2
	2	Possession CDS (Cocaine)	3	NJS 2C:35-10a(1)
	3	Poss w/int to Dist CDS (Cocaine)	2	NJS 2C:35-5b(2)

FINAL CHARGES

Count	Description	Degree	Statute
3	Poss w/int to Dist CDS (Cocaine)	3	NJS 2C:35-5b(2)

It is, therefore, on March 7, 1991 ORDERED and ADJUDGED that the defendant is sentenced as follows:

COUNT #3

COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS FOR THE TERM OF THREE (3) YEARS AND UNTIL RELEASED IN ACCORDANCE WITH LAW. SENTENCE IS CONCURRENT TO SENTENCE IMPOSED ON INDICTMENT NOS. 1583-04-90 & 3767-08-89 & BERGEN COUNTY. V.C.C.B. \$30.00. D.E.D.R. \$1,000.00. LAB FEE \$50.00. DRIVERS LICENSE SUSPENDED FOR TWELVE (12) MONTHS.

JAIL ATTALY P.D.
 PROS. J.D. F.C.
 D.C. OTHER P.A.C.E.

DISMISSED ON MOTION OF THE PROSECUTOR PURSUANT TO PLEA AGREEMENT OF 4/27/90
INDICTMENT NO. 00312-01-89 -- COUNTS #1 & #2 It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority Defendant is to receive credit for time spent in custody. 43 10/19/88 to 10/20/88

TOTAL NO DAYS

DATES (From To)

4/18/90 to 6/7/90

DATES (From To)

Total Custodial Term _____ Institution _____ Total Probation Term _____

State of New Jersey v. JEFFREY HOLLAND S.B.I. # 356545B IND X~~XXXX~~ # 00312-01-89

Total FINE \$ _____	If any of the offenses occurred <u>on or after</u> July 9, 1987, and is for a violation of Chapter 35 or 36 of Title 2C,										
Total RESTITUTION \$ _____	1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for <u>each count</u> (Write in # times for each.)										
<table> <tr> <td><u>1</u> 1st Degree @ \$3000</td> <td><u>4</u> 4th Degree @ \$750</td> </tr> <tr> <td><u>2</u> 2nd Degree @ \$2000</td> <td>Disorderly Persons or Petty</td> </tr> <tr> <td><u>3</u> 3rd Degree @ \$1000</td> <td>Disorderly Persons @ \$500</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total D.E.D.R. Penalty \$ <u>1,000.00</u></td> </tr> </table>				<u>1</u> 1st Degree @ \$3000	<u>4</u> 4th Degree @ \$750	<u>2</u> 2nd Degree @ \$2000	Disorderly Persons or Petty	<u>3</u> 3rd Degree @ \$1000	Disorderly Persons @ \$500	Total D.E.D.R. Penalty \$ <u>1,000.00</u>	
<u>1</u> 1st Degree @ \$3000	<u>4</u> 4th Degree @ \$750										
<u>2</u> 2nd Degree @ \$2000	Disorderly Persons or Petty										
<u>3</u> 3rd Degree @ \$1000	Disorderly Persons @ \$500										
Total D.E.D.R. Penalty \$ <u>1,000.00</u>											
<p>If the offense occurred on or after January 9, 1986, a penalty of \$30 is imposed on each count on which the defendant was convicted unless the box below indicates a higher penalty pursuant to N.J.S.A. 2C:43-3.1. (Penalty is \$25 if offense is before January 9, 1986, unless a higher penalty is noted.)</p> <p><input checked="" type="checkbox"/> Penalty imposed on offense(s) <u>3</u> is \$ <u>30.00</u> each</p>											
<p><input type="checkbox"/> Court further ORDERS that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.</p> <p>2) A mandatory driver's license suspension of _____ months is ORDERED The suspension shall begin today, _____ and end _____.</p> <p>Driver's License Number _____ (IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)</p> <p>Defendant's Address _____</p> <p>Eye Color _____ Sex _____ Date of Birth _____</p> <p><input type="checkbox"/> The defendant is the holder of an out-of-state driver's license from the following jurisdiction _____ Driver's license # _____</p> <p><input type="checkbox"/> Your non-resident driving privileges are hereby revoked for _____ Months.</p> <p>3) A forensic laboratory fee of \$50 per offense is ORDERED. _____ Offenses @ \$50.</p> <p>4) Name of Drugs Involved <u>Cocaine</u> Total LAB FEE \$ _____</p>											
NAME (Court Clerk or Person who prepares this form)	TELEPHONE NUMBER	NAME (Attorney for Defendant at Sentencing)									
<u>JUDITH PORCELLO</u>	<u>(201) 621-4811/12</u>	<u>ROBERT MISEO</u>									

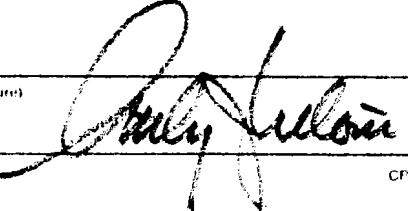
STATEMENT OF REASONS**AGGRAVATING FACTORS**

The need for deterring the defendant and others from violating the law.

The extent of the defendant's prior criminal history.

MITIGATING FACTORS

None

JUDGE (Name) <u>ANTHONY J. IULIANI, J.S.C.</u>	JUDGE (Signature) 	DATE <u>3/7/91</u>
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60. 2/9/88 (Age 20) Possession With Intent to Distribute Cocaine/Essex County Superior Court, NJ, No. 3767-08-89 4/27/90: Pled guilty; 3/7/91: 3 years imprisonment (concurrent to Essex County Superior Court case number 1583-04-90), driver's license suspended 1 year, \$1,080 fine and costs; 12/30/91: Paroled; 9/7/95: Parole revoked; 10/7/96: Paroled; 11/12/96: Released after serving maximum term.

Mr. Holland was represented by counsel. On February 9, 1988, undercover police officers observed the defendant and two others in a suspected drug transaction. The individuals were arrested. Mr. Holland had two vials of crack cocaine in his jacket pocket and \$923 in cash.

61. 10/19/88 (Age 20) Possession With Intent to Distribute Cocaine/Essex County Superior Court, NJ, No. 312-01-89 4/27/90: Pled guilty; 3/7/91: 3 years imprisonment (concurrent to Essex County Superior Court case numbers 1583-04-90 and 3767-08-89), driver's license suspended 1 year, \$1,080 fine and costs; 12/30/91: Paroled; 9/7/95: Parole revoked;

3. B- Holland

10/7/96:
Paroled;11/12/96:
Released after
serving maximum
sentence.

The defendant was represented by counsel. On October 19, 1988, undercover police officers were working an area of East Orange, NJ known as "Little City." They observed the defendant driving a car that hit a parked car. Mr. Holland could not move his car and an officer ran toward the car because both subjects were attempting to jump out and escape. The defendant and the other individual were arrested. On the console of the car was a clear plastic bag containing crack cocaine. Mr. Holland committed this offense while on bail in Essex County case number 3767-08-89.

62. 12/16/88 (Age 20)	Possession With Intent to Distribute Cocaine; Possession With Intent to Distribute Cocaine Within 1,000 Feet of a School/Essex County Superior Court, NJ, No. 1583-04-90	4/27/90: Pled guilty; 3/7/91: <u>4 years</u> imprisonment (each count, concurrent, and concurrent with Bergen County Superior Court, NJ case number IS632-89), \$2,160 fine and costs (total), driver's license suspended 1 year; 12/30/91: Paroled;	4A1.1(a) <u>3</u>
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9/7/95: Parole
revoked;

10/7/96:
Paroled;

11/12/96:
Released after
serving maximum
term.

Mr. Holland was represented by counsel. On December 16, 1988, he was found in possession of twenty-one vials of crack cocaine within 1,000 feet of the East Orange High School and it was determined that he employed a seventeen year old female by giving her nineteen vials of crack cocaine to sell. Upon arrest, the defendant told police he was Jeffrey Hall and lied about his address and social security number. Mr. Holland committed this offense while on bail in Essex County cases 3767-08-89 and 312-01-89.

MCC:WAB:caz

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

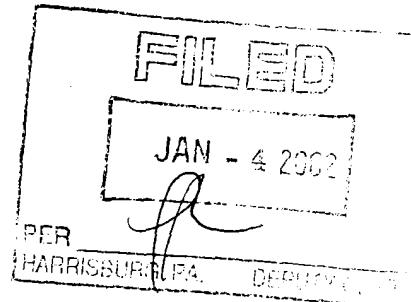
UNITED STATES OF AMERICA) Criminal No. 1:CR-01-195
) (Judge Caldwell)
v.)
)
JEFFREY HOLLAND and)
HARVEY HOLLAND)

S E C O N D
S U P E R S E D I N G
I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

COUNT I

Beginning on or about January 1, 1997, and continuing through the end of April 2001, in Dauphin County, Harrisburg, Pennsylvania, and elsewhere, the defendant,



JEFFREY HOLLAND,

did intentionally and knowingly manufacture, distribute, and possess with the intent to manufacture and distribute 50 grams or more of cocaine base, also known as "crack" cocaine, a Schedule II controlled substance, and did aid, abet, counsel, command, induce, and procure same.

All in violation of Title 21, United States Code, Section 841(a)(1); Title 18, United States Code, Section 2.

THE GRAND JURY FURTHER CHARGES THAT:

COUNT V

Count I through IV of this Second Superseding Indictment are incorporated as if fully set forth herein as some but not all of the overt acts committed in furtherance of the conspiracy charged in this Count.

Beginning on or about January 1, 1997, and continuing through the end of April 2001, in Dauphin County, Harrisburg, Pennsylvania, and elsewhere, the defendants,

JEFFREY HOLLAND, and
HARVEY HOLLAND

did intentionally and knowingly unlawfully combine, conspire, confederate and agree with each other, with Lavelle Gamble a/k/a "Boston", Sean Anderson, Shiranda Posey, Anthony Braxton, Rebekah Christopher and with other persons both known and unknown to the grand jury, to manufacture, distribute, and possess with the intent to manufacture and distribute 50 grams or more of cocaine base, also known as "crack" cocaine, a Schedule II narcotic controlled substance.

All in violation of Title 21, United States Code, Section 846.

A TRUE BILL

Laurie A. Snyder
FOREPERSON

DATE

1/4/02

Martin C. Carlson
MARTIN C. CARLSON
UNITED STATES ATTORNEY

